Applicants acknowledge that claims 16-17, 33-34 and 50-51 were found to contain allowable subject matter and would be allowed if rewritten in independent form. Since all outstanding rejections are addressed herein, Applicants request that claims 1-51 be allowed.

Claim 16 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, at line 13 of claim 16, the words "may might" were deemed indefinite. Claim 16 has been amended to remove the work might. The specification clearly supports claim 16 as amended, and Applicants submit that claim 16 as amended is definite and complies with the requirements of 35 U.S.C. § 112.

Claims 1-15, 18-32 and 35-49 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,892,900 to Ginter et al. (hereinafter "Ginter"). Generally, the Office Action asserted that Ginter describes each and every element of the rejected claims. Applicants respectfully traverse the rejection and submit that claims 1-15, 18-32 and 35-49 recite subject matter that Ginter fails to show or describe.

Claim 1 defines a network system able to suitably distribute any content as a transactable product. The network system includes a data server means, and a transaction management means. The data server means is comprised on at least one node on the network and supplies through the network a data package (information package) having any content for which a boundary is set relating to a predetermined attribute for the transaction, information relating to the control for utilization of the content, and information of the predetermined attribute for the transaction. The data utilization means is also comprised on at least one node on the network, receives the supplied data package, and substantially acquires at least the content. The transaction

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management means is comprised on any node on the network and carries out predetermined processing relating to the transaction based on the information of the predetermined attribute for the transaction of the content, each time the content delineated by the boundary is newly substantially acquired by the data utilization means.

Claim 18 defines a data distribution method in a network through which a plurality of nodes are connected for distributing any content as a transactable product to a data utilizing means comprised of at least one node on the network. The method includes a step of sending through the network a data package (information package) having any content for which a boundary is set relating to a predetermined attribute for the transaction, information relating to the control for utilization of the content, and information of a predetermined attribute for the transaction. The method also includes steps of receiving the data package supplied by the data utilization means, substantially acquiring at least the content, and carrying out predetermined processing relating to the transaction based on the information of the predetermined attribute for the transaction of the content each time the content delineated by the boundary is newly substantially acquired by the data utilization means.

Claim 35 defines a computer readable recording medium on which a data package for distribution of any content as a product for transaction in a network through which a plurality of nodes are connected is recorded and which can be read by a computer substantially connected to the network, recorded a data package. The recording medium includes any content for which a boundary is set relating to a predetermined attribute for the transaction, information relating to the control for

<u>utilization of the content, and information of said predetermined attribute for the transaction.</u>

According to the claimed configuration, provided are a network system, a data distribution method and data package. The network system provides a means for distributing a desired information in a desired format via a network, wherein the content rights are distributed together with the content itself, in a data package. Similarly, the method provides steps for distributing a desired information in a desired format via a network, wherein the content rights are distributed together with the content itself, in a data package. The method includes a step of sending through the network a data package (information package) having any content for which a boundary is set relating to a predetermined attribute for the transaction, information relating to the control for utilization of the content, and information of a predetermined attribute for the transaction. The data package substantially defines the data package being distributed. As a result, the present invention features the structure of the contents and the distribution method of such contents capable of production, distribution and reviewing and hearing in response to a variety of situations such as the difference of the kinds of contents, distribution method, production methods, and utilization conditions. In the present invention, the "contents rights" are included in the contents and thus the "contents rights" are distributed <u>together with</u> the contents body substantially.

Ginter is directed toward a system for secure transaction management. Ginter provides a virtual distribution environment (VDE) that manages transactions and secures, administers, and audits electronic information use. See col. 2, lines 20-23. Ginter appears to describe an elaborate system that includes content creators and

distributors, financial service providers, end users, and others. Ginter describes that the VDE can be used to protect the rights of parties who create electronic content such as records, games, movies, newspapers, electronic books, etc. In order to protect the rights and control the use of electronic content, Ginter provides "rules and controls" which may be created and distributed to define the properties related to and control of electronic content within the VDE. See col. 46, lines 5-27, col. 54, lines 18-36, col. 55, lines 3-11. The "rules and controls" can control permissions, usage information, rights and obligations of the various VDE participants, financial clearinghouses that may process payments, purchasers that may receive reports, and other chain of handling and control type properties. See col. 57, lines 1-28. However, Ginter defines that "rule and controls" are treated <u>independently</u> from the content. See col. 55, lines 6 to 8, col. 55, lines 53 to 56, col. 56, lines 6 to 24, col. 56, line 65 to col. 57 line 17, and col. 57 line 56 to col. 58, line 12. Thus, Ginter does not require the feature that the contents package or data package <u>includes</u> any content for which a boundary is set relating to a predetermined attribute for the transaction, <u>information relating to the control for utilization of the content, and information of said predetermined attribute for the transaction</u>. Thus, Applicants submit that Ginter fails to show or describe each and every feature of independent claims 1, 18 and 35. Applicants submit that claims 2-15, 19-32 and 36-49, by their dependencies upon claims 1, 18, and 35, respectively, recite subject matter not shown or described by Ginter. Accordingly, Applicants request that the rejection be withdrawn and that claims 1-15, 18-32 and 35-49 be allowed.

In view of the above remarks, the Applicants respectfully submit that each of claims 1-51 recite subject matter which is neither disclosed nor suggested in the cited

prior art. Applicants submit that this subject matter is more than sufficient to render the claimed invention unobvious to a person of ordinary skill in the art. Applicants therefore request that each of claims 1-51 be found allowable, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not timely filed, the Applicants respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 01-2300.

Respectfully submitted,

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16.   (Amended) A network system as set forth in claim 15, wherein further provision is made of:

   a reference request generating means for generating a reference request for referring to the entity of said data when said data utilization means utilizes information of said data package referring to another data package and

   a management means for managing information on nodes in the vicinity of any node on the network for any such node and for searching for a destination of reference by successively propagating said reference request to nodes which may [might] substantially connect with the node of the designation of reference of said reference request.

33.   (Amended) A data distribution method as set forth in claim 32, wherein:

   said information substantially existing in said other data package generates a reference request by which said data utilization means refers to the entity of said data and

   a network management means provided for any node of the network for managing information on nodes in the vicinity of any such node successively propagates said reference request to nodes which may [might] substantially connect with the node of the designation of reference of said reference request.